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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,319

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Miyuki Okamoto

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7590

03/03/2009

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EXAMINER

LEE, MICHAEL

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

03/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,319	Applicant(s) OKAMOTO ET AL.	
	Examiner M. Lee	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Bae et al. (2004/0055011A1).

Regarding claim 1, Bae discloses a mobile telephone television apparatus showing a register map (note tables 1A-1E) for storing setting information for a TV mode and an OSD mode, which meets the memory as claimed, and a controller for reading out the setting information in response to a selected mode (note paragraph 0049).

Regarding claim 2, Bae shows that the setting information on the TV mode includes the contrast and brightness setting information.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bae et al. (2004/0055011A1) in view of Ogoro (6,891,525).

Regarding claim 3, Bae does not disclose the setting information on the image in the telephone mode as claimed. Ogoro, from the similar field of endeavor, teaches a luminance level adjusting apparatus for controlling the luminance level according to a detected input mode, which effectively reduces the power consumption of the mobile phone. Ogoro also teaches that by turning off the backlight of the LCD after a certain period of time, more power could be saved (note background of the invention). The latter feature might be inherently included in Bae since he already uses a timer in the TV mode. Knowing that battery life is an important factor in Bae, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to include the luminance level control features of the Ogoro into Bae so that the power consumption rate could be reduced while the battery life prolonged.

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bae et al. (2004/0055011A1) in view of Finke-Anlauff (5,479,476).

Regarding claims 4-6, Bae discloses all the features of the instant invention except the sound setting information as claimed; instead, the setting information applies to the video data only. Finke-Anlauff, from the similar field of endeavor, discloses a mobile telephone that changes sound volume in accordance with an environment. Having the sound volume adaptively adjusted, the user can clearly hear the audio signal

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of the telephone under different kinds of environments. Hence, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to include the adaptive sound volume adjustment feature of the Finke-Anlauff into Bae so that the audio signal reproduced could be heard by the user under different kinds of environments.

Response to Arguments

6. Applicant's arguments filed 12/10/08 have been fully considered but they are not persuasive.

In considering applicant's argument that Bae does not disclose at least a controller for reading out, in the television broadcast viewing mode, the setting information on the image in the television broadcast viewing mode from the memory so that a setting of a display device is made, and for reading out, in the telephone mode, the setting information on the image in the telephone mode from the memory so that setting of the display device is made as claimed, the Examiner disagrees. As discussed in paragraph 56, Bae states that many setting functions are performed by the video processing unit 70 by reading and writing the command registers as listed on Table I. For instance, based on the register commands, the brightness, color and contrast of the video signal during the TV mode can be adjusted to the stored values. During the OSD mode or the telephone mode as claimed, the RGB signals can be inverted. Another OSD mode initial setting also discussed in paragraphs 62 and 65. Since the video processing unit performs mode setting functions at the beginning of the mode selection, it meets the limitations as recited above.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran, can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. Lee/
Primary Examiner
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